

Exhibit 109

Redacted Public Version

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Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3

4 NIKE, INC.,

5 Plaintiff,

6 v.

No. 1:22-CV-00983-VEC

7 STOCKX LLC,

8 Defendant.
9

10 VIDEOTAPED DEPOSITION OF LAURA RIZZA

11 Taken in behalf of the Defendant

12 February 1, 2023
13

14 *** HIGHLY CONFIDENTIAL ***
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<p style="text-align: right;">Page 2</p> <p>1 BE IT REMEMBERED THAT pursuant to Federal</p> <p>2 Rules of Civil Procedure, the deposition of LAURA</p> <p>3 RIZZA was taken before Julie A. Walter, CSR No.</p> <p>4 90-0173 on February 1, 2023, commencing at the hour</p> <p>5 of 9:42 a.m., the proceedings being reported in the</p> <p>6 law offices of Stoel Rives, 760 SW Ninth Avenue,</p> <p>7 Suite 3000, Portland, Oregon.</p> <p>8 * * *</p> <p>9 APPEARANCES</p> <p>10 DLA PIPER</p> <p>11 Mr. Marc Miller</p> <p>12 1251 Avenue of the Americas</p> <p>13 New York, New York 10020</p> <p>14 Counsel for the Plaintiff</p> <p>15</p> <p>16 DEBEVOISE & PLIMPTON LLP</p> <p>17 Mr. Christopher Ford</p> <p>18 650 California Street</p> <p>19 San Francisco, California 94108</p> <p>20 Ms. Mai-Lee Picard</p> <p>21 919 Third Avenue</p> <p>22 New York, New York 10022</p> <p>23 Counsel for the Defendant</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 4</p> <p>1 EXHIBIT INDEX</p> <p>2 Number Item Page</p> <p>3 Exhibit 1 [REDACTED] Presentation 28</p> <p>4 NIKE 0040131 through 40160</p> <p>5 Exhibit 2 Plaintiff Nike Inc. 66</p> <p>6 Supplemental Responses and</p> <p>7 Objections to Defendant</p> <p>8 StockX LLC's Second Set of</p> <p>9 Interrogatories</p> <p>10 Exhibit 3 11/11/21 Email With 79</p> <p>11 Attachments</p> <p>12 NIKE 0029176 to 0029186</p> <p>13 Exhibit 4 11/11/21 email with 85</p> <p>14 Attachments</p> <p>15 NIKE 0029156 to 0029175</p> <p>16 Exhibit 5 11/15/21 Email Thread 90</p> <p>17 NIKE 0029187 to 29191</p> <p>18 Exhibit 6 List of [REDACTED] 99</p> <p>19 NIKE 0039044</p> <p>20 Exhibit 7 3/7/22 Email Thread 107</p> <p>21 NIKE 0040472 to 0040478</p> <p>22 Exhibit 8 4/20/22 Email Thread 115</p> <p>23 NIKE 0025918 to 0025922</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 3</p> <p>1 APPEARANCES CONTINUED:</p> <p>2</p> <p>3 Also Present:</p> <p>4 Kimberly Van Voorhis</p> <p>5 Assistant General Counsel Nike</p> <p>6</p> <p>7 Mick Irwin</p> <p>8 Videographer</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>	<p style="text-align: right;">Page 5</p> <p>1 Exhibit 9 10/25/21 Email with 132</p> <p>2 attachment</p> <p>3 NIKE 0060175 to 0060224</p> <p>4 Exhibit 10 [REDACTED] [REDACTED]</p> <p>5 [REDACTED]</p> <p>6 NIKE 0039827 to 39832</p> <p>7 Exhibit 11 9/25/20 Email with 140</p> <p>8 Attachment</p> <p>9 NIKE 0039841 to 0039846</p> <p>10 Exhibit 12 12/11/20 Email with 146</p> <p>11 Attachment</p> <p>12 NIKE 0039847 to 0039853</p> <p>13 Exhibit 13 3/29/21 Email with 152</p> <p>14 Attachment</p> <p>15 NIKE 0039833-0039840</p> <p>16 Exhibit 14 8/11/11 Email with 159</p> <p>17 Attachment</p> <p>18 NIKE 0042530</p> <p>19 Exhibit 15 5/27/20 Email Thread 170</p> <p>20 NIKE 0040486</p> <p>21 Exhibit 16 Excel Spreadsheet 179</p> <p>22 NIKE 0039436</p> <p>23</p> <p>24</p> <p>25</p>

2 (Pages 2 - 5)

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	Page 6	Page 8
1 Exhibit 17 Declaration of David P.	196	1 Q. Good morning, Ms. Rizza.
2 Stapleton in Support of		2 A. Good morning.
3 Receiver's Motion For Order		3 Q. Have you ever been deposed before?
4 Approving Liquidation Plans		4 A. No.
5		5 Q. Okay. So just a few quick ground rules that
6		6 Mr. Miller may have gone over with you so we're on
7		7 the same page. The court reporter is taking down
8		8 everything that anyone in the room says. So I'll
9		9 ask the question, and if you can wait for me to
10		10 finish the whole question before you answer.
11		11 Mr. Miller may object, and we'll just try not to
12		12 speak over each other. I'll similarly try to wait
13		13 for you to finish your answer before I ask the next
14		14 question. If at any point you realize that you
15		15 hadn't finished your answer or need to say
16		16 something further, just let me know and we can
17		17 navigate that.
18		18 It is important that you give verbal answers,
19		19 not just nods of the head like you're doing now,
20		20 which is fine. But do you understand all of that?
21		21 A. I do.
22		22 Q. Any reason that you can't give complete, truthful
23		23 and accurate testimony today?
24		24 A. No.
25		25 Q. [REDACTED]
	Page 7	Page 9
1 P R O C E E D I N G S		[REDACTED]
2		[REDACTED]
3 THE VIDEOGRAPHER: Good morning. We are going		[REDACTED]
4 on the record at 9:42 a.m. on Wednesday,		[REDACTED]
5 February 1st, 2023. This begins Media Unit		[REDACTED]
6 Number 1 in the video recorded deposition of Laura		[REDACTED]
7 Rizza taken in the matter NIKE, Inc., versus StockX		[REDACTED]
8 LLC.		[REDACTED]
9 This case is styled in the United States		[REDACTED]
10 District Court for the Southern District of		[REDACTED]
11 New York, Case Number 22-CV-00983.		[REDACTED]
12 Can counsel identify themselves for the record,		[REDACTED]
13 please.		[REDACTED]
14 MR. FORD: Christopher Ford, Debevoise and		[REDACTED]
15 Plimpton, for defendants StockX. I'm joined by my		[REDACTED]
16 colleague, Mai-Lee Picard.		[REDACTED]
17 MR. MILLER: Good morning. This is Marc Miller		[REDACTED]
18 from DLA Piper on behalf of plaintiff NIKE, Inc.,		[REDACTED]
19 and I'm joined by Kim Van Voorhis of NIKE.		[REDACTED]
20 LAURA RIZZA		[REDACTED]
21 was thereupon produced as a witness and, after		[REDACTED]
22 having been duly sworn on oath, was examined and		[REDACTED]
23 testified as follows:		
24 EXAMINATION		
25 BY MR. FORD:		23 Q. Okay. Have you had any conversations -- well, let 24 me withdraw that and start. 25 Are you currently employed at NIKE?

3 (Pages 6 - 9)

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1 (Exhibit 15 marked)

2 Q. BY MR. FORD: Ms. Rizza, the court reporter has

3 handed you a document marked Exhibit 15, which is

4 NIKE0040486, which is an email from Mr. Vieira to

5 you. Take a look and let me know when you --

6 A. Sorry. You're right. It was May.

7 Q. Yeah. So worries. It's not a memory test. I just

8 wanted to understand [REDACTED] we

9 might be talking about.

10 So does this -- this refreshes your

11 recollection [REDACTED]

12 [REDACTED]

13 A. It does.

14 Q. And so you learned about the fact [REDACTED]

15 [REDACTED]

16 A. Well, if I sent the request -- I think I learned of

17 it -- sorry. My mental timeline is -- I think I

18 sent this to Newton [REDACTED]

19 [REDACTED]

20 Q. I see. And it looks like Mr. Vieira's email back

21 to you -- I know this is all in Coordinated

22 Universal Time, which I honestly don't know, but

23 was at 1:00 in the morning on Friday the 27th. So

24 [REDACTED]

25 A. I think that's correct.

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1 Q. Okay. And what did you do upon arriving to the

2 address? I assume that this is the address where

3 [REDACTED]

4 A. Yes, that's correct.

5 Q. [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 MR. MILLER: Objection.

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1 THE WITNESS: I don't remember.

2 Q. BY MR. FORD: [REDACTED]

3 [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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1 A. Yes.

2 Q. When was that?

3 A. If memory serves, I believe it was in July.

4 Q. [REDACTED]

5 [REDACTED]

6 [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

23 [REDACTED]

24 [REDACTED]

25 [REDACTED]

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[illegible]

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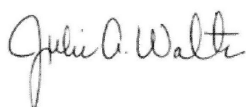
[illegible][illegible]

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<p style="text-align: right;">Page 186</p> <p>1 [REDACTED] [REDACTED] 2 [REDACTED] [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>	<p style="text-align: right;">Page 188</p> <p>1 mentioned that, during the course of the raid, you 2 were trying to capture a representative sample of 3 the products when you were authenticating. How did 4 you determine what would be a representative 5 sample? 6 A. [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 A. Yes. 13 Q. Okay. [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 MR. MILLER: Objection. 18 THE WITNESS: [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 Q. BY MR. FORD: [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED]</p>
<p style="text-align: right;">Page 187</p> <p>1 [REDACTED] 2 [REDACTED] 3 [REDACTED] 4 [REDACTED] 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 [REDACTED] 10 [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 [REDACTED] 14 [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 [REDACTED] 23 [REDACTED] 24 [REDACTED] 25 [REDACTED] at the top, you</p>	<p style="text-align: right;">Page 189</p> <p>1 [REDACTED] 2 Q. And did you take -- did you take all of these 3 photographs? 4 A. I did, yes. 5 [REDACTED] 6 [REDACTED] 7 [REDACTED] 8 [REDACTED] 9 A. Yes. 10 Q. Okay. So does this, these 48 pairs, reflect all of 11 the counterfeit or allegedly counterfeit NIKE 12 product that you identified during the July 22nd, 13 2022, [REDACTED] 14 MR. MILLER: Objection. 15 THE WITNESS: That's correct. 16 Q. BY MR. FORD: Okay. So for all of these products, 17 both the ones from [REDACTED] 18 [REDACTED] 19 [REDACTED] 20 [REDACTED] 21 [REDACTED] 22 MR. MILLER: Objection. 23 THE WITNESS: [REDACTED] 24 [REDACTED] 25 Q. BY MR. FORD: To your knowledge, did anyone else at</p>

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<p style="text-align: right;">Page 202</p> <p>1 know anything about their authenticity. In my 2 opinion, NIKE itself is the only -- or most 3 equipped to authenticate product. 4 MR. FORD: I see. Okay. All right. Why don't 5 we take a break, and I will see if I have anything 6 left. 7 (RECESS 4:24 to 4:35) 8 Q. BY MR. FORD: So, Ms. Rizza, before the break, we 9 were talking about the shoes from the [REDACTED] 10 [REDACTED] that were in Exhibit 16, the spreadsheet 11 with all of the pictures. 12 A. Yeah. 13 Q. Do you have -- do you know whether the products 14 that you evaluated [REDACTED] 15 [REDACTED] 16 [REDACTED] 17 [REDACTED] 18 MR. MILLER: Objection. 19 THE WITNESS: Are you asking me if the products 20 that I evaluated are the same products that came 21 [REDACTED] 22 Q. BY MR. FORD: Yes. I'm just asking if you 23 personally know that [REDACTED] 24 [REDACTED] 25 the same products as were in the warehouse --</p>	<p style="text-align: right;">Page 204</p> <p>1 will consider the deposition closed. 2 (DEPOSITION ADJOURNED at 4:36) 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 203</p> <p>1 MR. MILLER: Objection. 2 Q. BY MR. FORD: -- that you looked at? 3 A. I'm confident they are, yes. 4 Q. What's that confidence based on? 5 MR. MILLER: Objection. 6 THE WITNESS: [REDACTED] 7 [REDACTED] 8 [REDACTED] and in the conditions under which they were 9 transported and stored. 10 Q. BY MR. FORD: [REDACTED] 11 [REDACTED] 12 [REDACTED] 13 A. No. 14 Q. Do you know -- do you know someone named Roy Kim? 15 A. No. 16 Q. Does the Instagram handle "sneakerstrut" ring a 17 bell? No? 18 A. No. 19 Q. Do you have any awareness of an investigation NIKE 20 did into potential counterfeit products purchased 21 by an individual named Roy Kim in July of 2022? 22 A. That doesn't sound familiar to me. 23 MR. FORD: Okay. Then I don't have anything 24 further. 25 MR. MILLER: I don't have any redirect, so we</p>	<p style="text-align: right;">Page 205</p> <p style="text-align: center;">C E R T I F I C A T E</p> <p>1 2 3 I, Julie A. Walter, CSR No. 90-0173, do hereby 4 certify that LAURA RIZZA appeared before me at the 5 time and place mentioned in the caption herein; 6 that the witness was by me first duly sworn on oath 7 and examined upon oral interrogatories propounded 8 by counsel; that said examination together with the 9 testimony of said witness was taken down by me in 10 stenotype and thereafter reduced to typewriting; 11 and that the foregoing transcript, Pages 1 to 204, 12 both inclusive, constitutes a full, true and 13 accurate record of said examination of and 14 testimony given by said witness and of all other 15 proceedings had during the taking of said 16 deposition, and of the whole thereof, to the best 17 of my ability. 18 Witness my hand at Portland, Oregon, this 6th 19 day of F 20  21 22 Julie A. Walter 23 CSR No. 90-0173 24 25</p>

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